

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6874**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAVID ZEBROWSKI, a/k/a Dog, a/k/a Mad Dog,  
a/k/a Lewis Brady, a/k/a David Stewart, a/k/a  
Eric Smith,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-96-41, CA-98-350-3)

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Submitted: August 9, 2001

Decided: August 17, 2001

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Before NIEMEYER, MOTZ, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David Zebrowski, Appellant Pro Se. Mary Hannah Lauck, David John Novak, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

David Zebrowski seeks to appeal the district court's orders denying his 28 U.S.C.A. § 2255 (West Supp. 2000) motion, entered on July 2, 1999, and denying the motion to amend, entered on March 14, 2001. We deny a certificate of appealability and dismiss the appeal.

The appeal from the July 2, 1999, order was not timely filed. Parties are accorded sixty days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on July 2, 1999. Zebrowski's notice of appeal was filed on May 16, 2001. Because Zebrowski failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny a certificate of appealability and dismiss the appeal.

Insofar as Zebrowski appeals the district court order denying his motion for leave to amend the § 2255 motion, we have reviewed the record and the district court's order and find no reversible error. Accordingly, we deny a certificate of appealability and

dismiss the appeal on the reasoning of the district court. See  
United States v. Zebrowski, Nos. CR-96-41; CA-98-350-3 (E.D. Va.  
Mar. 14, 2001).

We dispense with oral argument because the facts and legal  
contentions are adequately presented in the materials before the  
court and argument would not aid the decisional process.

DISMISSED